

# Texas Parks and Wildlife Commissioners members.

## Talking Points to the Commissioners:

- **Inform them you support them in the fight against S.T.O.R.M.**

Urge them to continue fighting S.T.O.R.M. at the legislative level.

- **Commercial Fishermen “Your lively hood is at stake.”**
- **Sport Fishermen “Your rights are in jeopardy.”**
- **Pleasure Boaters “Your rights to anchor are in jeopardy.”**
- **Property owners “Your private pier rights are at jeopardy.”**

**Remember your voice counts. E-mail, write  
or fax them. Voice your concerns.  
Remember only loud voices are heard.**

## **Concerned Citizens of Texas Gulf Coasts link to petition:**

[http://chn.ge/1xHtJA4?share\\_id=PWuILPURoj](http://chn.ge/1xHtJA4?share_id=PWuILPURoj)

**STOP S.T.O.R.M. TEXAS STATE WATER  
BOTTOMS ARE FOR EVERYONE TO SHARE!!!**

# **Texas Parks and Wildlife Board Commissioners**

**Welcome from Executive Director Carter Smith**



Welcome to Texas Parks and Wildlife Department Web site, your online connection to some of the finest outdoor recreation in the world, including hunting, fishing, camping, hiking, biking, birdwatching and much more. You will also find the latest on TPWD's efforts to conserve fish and wildlife species and habitat as well as cultural and historic sites across Texas, with many opportunities for you to get involved with this important work.

<http://www.tpwd.state.tx.us/business/about/commission/commissioners/>



**The Honorable Dan Allen Hughes, Jr.**

Chairman  
Texas Parks and Wildlife Commission  
P. O. Box 14  
Beeville, TX 78104  
Fax: 361-881-1686

Dan Allen Hughes, Jr. was appointed to the Commission by Governor Rick Perry on June 4, 2009, to a six-year term which will expire on February 1, 2015. He was named Chairman on January 1, 2014. Hughes is president of Dan A. Hughes Company, LP and president of Hupecol Operating Company, LLC. He is a member of the Texas A&M University College of Geosciences Advisory Council and Sul Ross State University Borderlands Research Institute Advisory Board. He is also a member of the All American Wildcatters. He received his Bachelor's degree from Texas A&M University.

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**The Honorable Ralph H. Duggins**

Vice-Chairman  
Texas Parks and Wildlife Commission  
600 W. Sixth, Suite 300  
Fort Worth, TX 76102  
Fax: (817) 877-2807

Ralph H. Duggins was appointed to the Commission by Governor Rick Perry on February 21, 2008. He was named Vice-Chairman on November 3, 2011. On May 6, 2013, he was reappointed to a six-year term which will expire on February 1, 2019. Ralph Duggins is a native of Jefferson City, Missouri. He is a partner with the Fort Worth, Southlake and Dallas law firm, Cantey Hanger LLP, where he specializes in civil and commercial litigation. He is a graduate of Southern Methodist University and of the University of Missouri Law School. Duggins has been a member of the Texas Supreme Court Advisory Committee since 1999, is a Director of Lena Pope Foundation, a Director of the Southwestern Exposition and Livestock Show, and a board member of The Peregrine Fund. He is a former Director of Lena Pope Home and JP Morgan Chase Bank Tarrant County. He previously served as Chair of the Board of Cook Childrens Healthcare System. Duggins is an avid fly fisherman and hunter.

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**The Honorable T. Dan Friedkin**

Chairman-Emeritus  
Texas Parks and Wildlife Commission  
1375 Enclave Parkway  
Houston, TX 77077  
Fax: (713) 580-5220

T. Dan Friedkin was appointed to the Commission by Governor Rick Perry on May 9, 2005. On February 2, 2011, he was reappointed to a six-year term which will expire on February 1, 2017 and served as Chairman from September 1, 2011 through December 31, 2013. He was named Chairman Emeritus on January 1, 2014. Friedkin is Chairman and Chief Executive Officer of Friedkin Group, with responsibility for companies and investments principally in the automotive industry. These include Gulf States Toyota, the world's fourth largest privately held Toyota distributorship. Friedkin is an avid outdoorsman who is active in wildlife conservation initiatives in the U.S. and abroad. He is a trustee of the Wildlife Conservation Society, a trustee of the Kinkaid School, member of the Young President's Organization, Chairman of the Air Force Heritage Flight Foundation and serves on the advisory Board of Texas A&M Caesar Kleberg Wildlife Research Institute. A graduate of Georgetown University, he received a Masters Degree from Rice University.

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**The Honorable Roberto De Hoyos**

Texas Parks and Wildlife Commission  
2200 West Loop South, Suite 800  
Houston, TX 77027

Roberto De Hoyos was appointed to the Commission by Governor Rick Perry on September 6, 2013 to a six-year term which will expire on February 1, 2019. Roberto De Hoyos is the Institutional Relations Director for Tenaris. He previously worked for the Governor's Office of Economic Development and Tourism and served as Chief of Staff and Director of Business Development for the Mexican Consulate in Austin. He is also a member of the Institute for Professionals in Taxation. A graduate of the Technological Institute in Coahuila, Mexico, he received his Bachelor's degree in Business Administration.

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**The Honorable Bill Jones**

Texas Parks and Wildlife Commission  
100 Congress Avenue, Suite 2000  
Austin, TX 78701  
Fax: (512) 469-6306

Bill Jones was appointed to the Commission by Governor Rick Perry on September 1, 2011, to a six-year term which will expire on February 1, 2017. Bill Jones is owner of The Jones Firm and co-owner of AFCI Texas, LLC. He previously served as General Counsel for Governor Rick Perry and is active in Texas A&M University serving on the Corps of Cadets Development Council Advisory Panel and is a former member of the TAMU Board of Regents. He is past president of Texas Young Lawyers Association and a former member of the State Bar of Texas Board of Directors Executive Committee. He was selected as Baylor Young Lawyer of the Year in 1997 and Texas Super Lawyer in 2005, 2006, and 2007. Jones has served on numerous boards and is a current member of Memorial Hermann Continuing Care, Memorial Hermann Public Policy Advisory Group, and Executive Board Member of Austin Chamber of Commerce. He received his bachelor's degree from Texas A&M University and his law degree from Baylor University Law School.

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**The Honorable James H. Lee**

Texas Parks and Wildlife Commission  
1330 Post Oak Blvd, Suite 1550  
Houston, TX 77056  
Fax: (713) 552-1441

James H. Lee was appointed to the Commission by Governor Rick Perry on May 6, 2013 to a six-year term which will expire on February 1, 2019. Jim Lee is president of Ascendant Advisors Group, LLC, one of the oldest investment management firms in Texas, and JHL Capital Holdings, LLC, a private investment group. He is a development board member of UT Health in Houston, past chairman of the Teacher Retirement System of Texas and a past trustee of the Texas Growth Fund. He recently served as a member of the Texas Higher Education Coordinating Board and is a past member of The Finance Commission of Texas, 2011 Texas Inaugural Committee, and Texas Advisory Council on the Digital Economy. He served as a member of the board of Texas Parks & Wildlife Foundation. He was named an Ernst & Young Entrepreneur of the Year in 2001 and is chairman emeritus of the Maverick PAC. Lee earned a Bachelor of Business Administration and MBA from the University of Texas at Austin and an executive program certification from the Center for Hedge Fund Research and Education at the London Business School. Lee has two young boys and is an avid wing shooter.

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**The Honorable Margaret Martin**

Texas Parks and Wildlife Commission  
215 West Bandera Road, Suite 114-619  
Boerne, TX 78006

Margaret Martin was appointed to the Commission by Governor Rick Perry on August 14, 2007. On February 5, 2009 she was reappointed to a six-year term which will expire on February 1, 2015. She is an independent international business woman who specializes in bringing companies and individuals together in business development, energy, oil & gas, and real estate. Having grown up on a ranch outside of Laredo, the commissioner has a deep commitment to natural resources and wildlife management of this state, and she continues to be a strong advocate for the Texas Game Wardens and various law enforcement agencies and organizations in Texas. She is also a gubernatorial appointee to the Partnership Advisory Commission of Texas, a member of the World Affairs Councils of San Antonio and Austin and a member of the San Antonio FBISACAA. Ms. Martin received a bachelor's of business administration from Texas A&M International University and currently resides in Boerne, TX.

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**The Honorable S. Reed Morian**

Texas Parks and Wildlife Commission  
300 Jackson Hill  
Houston, TX 77007  
Fax: (713) 863-8202

S. Reed Morian was appointed to the Commission by Governor Rick Perry on February 5, 2009 to a six-year term which will expire on February 1, 2015. Morian serves as Chairman/CEO of DX Service Company, Inc. in Houston. He is very active in the Houston community, serving on the Board of the Houston Livestock Show and Rodeo and past Chairman of the Houston Parks Board and the Houston Museum of Natural Science. He received his Bachelor's degree from the University of Oklahoma.

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**The Honorable Dick Scott**

Texas Parks and Wildlife Commission  
P.O. Box 2489  
Wimberley, TX 78676  
FAX: (713) 453-2756

Dick Scott was appointed to the Commission by Governor Rick Perry on February 1, 2011 to a six-year term which will expire on February 1, 2017. He is co-owner of Trans-Global Solutions Inc., a railroad transportation company. He is a member of Delta Sigma Pi and the Boys and Girls Country Executive Committee. He is also a volunteer contributor for the Hays County FFA and 4H clubs and a Lifetime member of the Houston Livestock Show and Rodeo and serves on their International Committee. He previously served on the Lower Colorado River Authority Board from 2009 through 2010. Scott received a bachelor's degree from Lamar University.

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**The Honorable Lee Marshall Bass**

Chairman-Emeritus  
Texas Parks and Wildlife Commission  
201 Main Street  
Fort Worth, TX 76102  
FAX: (817) 390-8408

Lee Marshall Bass was appointed to the Commission by Governor William P. Clements, Jr. on February 20, 1989 to a six-year term. On February 24, 1995, he was named Chairman and reappointed for another six-year term by Governor George W. Bush. On August 29, 2001, he was named Chairman-Emeritus by Governor Rick Perry; graduate of Yale University and the Wharton School of the University of Pennsylvania. He serves on the boards of the Sid W. Richardson Foundation, The Peregrine Fund, the International Rhino Foundation and Vanderbilt University.

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TEXAS PARKS WILDLIFE DEPARTMENT

TPWD

RESPONSE LETTER TO

RE: SUSTAINABLE TEXAS OYSTER RESOURCE MANGEMENT LLC

(S.T.O.R.M.LLC)

RE: "LEASE" (CLCND) and (STORM)





Life's better outside.®

July 21, 2014

Mr. Tracy Woody  
Manager  
Sustainable Texas Oyster Resource Management, LLC (STORM)  
136 County Dock Road  
Anahuac, Texas 77514

Commissioners

Dan Allen Hughes, Jr.  
Chairman  
Beeville

Ralph H. Duggins  
Vice-Chairman  
Fort Worth

T. Dan Friedkin  
Chairman-Emeritus  
Houston

Roberto De Hoyos  
Austin

Bill Jones  
Austin

James H. Lee  
Houston

Margaret Martin  
Boerne

S. Reed Morlan  
Houston

Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

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Carter P. Smith  
Executive Director

Re: "Lease" between CLCND and STORM

Dear Mr. Woody:

By letters to the Texas Parks and Wildlife Department (TPWD) dated May 23 and July 1, 2014, on behalf of Sustainable Texas Oyster Resource Management, LLC (STORM), you raised several issues and asked several questions related to STORM's lease of submerged coastal property from the Chambers-Liberty County Navigation District (CLCND). We appreciate your bringing these issues to our attention.

In reviewing this issue, TPWD has obtained a copy of the Coastal Surface Lease (the Lease) entered by CLCND and STORM effective April 15, 2014 pursuant to which CLCND purports to lease to STORM approximately 23,000 acres acquired by the CLCND pursuant to Patents from the General Land Office in 1957 (the Patents). The property covered by the Lease includes private oyster reefs authorized by leases and certificates of location issued by TPWD pursuant to Chapter 76 (Oysters) of the Texas Parks and Wildlife Code, and Title 31, Chapter 58, Subchapter A (Statewide Oyster Fishery Proclamation) of the Texas Administrative Code. In addition, the property covered by the Lease includes a number of public oyster beds also authorized by law.

We understand that STORM is taking the position that notwithstanding the existence of oyster leases, certificates of location and public oyster beds, STORM has the exclusive right to plant and harvest oysters in the area covered by the Lease. It is also our understanding that STORM's position is based, in part, on language in the Lease.

After reviewing the Lease, the CLCND's enabling law, the terms of the Patents, and relevant statutory provisions, including those located in the Texas Parks and Wildlife Code, the Texas Natural Resources Code and the Texas Water Code, it is the opinion of TPWD that the CLCND lacked the authority to enter into a lease that purports to exclude current oyster leaseholders or the public from property covered by the Lease or that purports to convey rights regarding planting and harvesting of oysters.

4200 SMITH SCHOOL ROAD  
AUSTIN, TEXAS 78744-3291  
512.389.4800  
[www.tpwd.texas.gov](http://www.tpwd.texas.gov)

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Mr. Tracy Woody

July 21, 2014

Page 2 of 3

CLCND's ownership of submerged land is subject to the limitations of its enabling authority under the Texas Constitution, its specific purpose as defined by the Texas Legislature, and the reservations and limitations of the Patents themselves.

As a result, it is TPWD's position that STORM does not have the right or authority to plant and harvest oysters within the property covered by the Lease, absent a lease from TPWD and certificate of location. Furthermore, it is TPWD's position that STORM does not have the right or authority to exclude persons or entities holding leases and certificates of location issued by TPWD from the property covered by the Lease. Finally, it is TPWD's position that STORM does not have the right or authority to exclude members of the public from public oyster reefs. Of course, STORM continues to have authority to plant and harvest oysters in areas for which STORM has obtained a lease and a certificate of location from TPWD.

Please be aware that TPWD game wardens will be enforcing the law, including the provisions of Texas Parks and Wildlife Code, Chapter 76 (Oysters) and Texas Administrative Code, Title 31, Chapter 58, Subchapter A (Statewide Oyster Fishery Proclamation), and may issue citations consistent with TPWD's position as set out in this letter. In addition, please be aware that interference with the lawful conduct of other holders of commercial oyster leases and certificates of location or with the lawful public harvest of oysters may also constitute a violation of Texas Parks and Wildlife Code, Section 62.0125 regarding harassment of hunters, trappers and fisherman.

Again, we appreciate your bringing your questions to TPWD's attention. If you have any questions or comments, please do not hesitate to contact my office.

Sincerely,



Ann Bright  
General Counsel

cc: Ms. Mary Beth Stengler  
General Manager  
Chambers-Liberty County Navigation District  
P.O. Box 518  
Anahuac, Texas 77514